

CHAPTER 96: ABANDONED VEHICLES

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§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED MOTOR VEHICLE. A motor vehicle shall be deemed to have been abandoned for the purposes of this chapter in the following circumstances:

- (1) It is left unattended upon a street or highway for longer than 12 hours in violation of a law or ordinance prohibiting parking; or
- (2) It is left unaccompanied on property owned or operated by the town for a period longer than 24 hours; or
- (3) It is left unaccompanied on any public street or highway for a period longer than 7 days; or
- (4) It is left on private property without the consent of the owner, occupant, or lessee thereof for longer than 2 hours.

JUNKED MOTOR VEHICLE. Whenever a motor vehicle is found to be an abandoned motor vehicle as defined in this section and, in addition, is found to be inoperable, or is partially dismantled or wrecked, or is more than 5 years old and worth less than \$100, or does not display a current license plate, it shall be deemed to be a junked motor vehicle.

(1978 Code, §§ 8-3001, 8-3002)

Statutory reference:

Authority to regulate abandoned and junked vehicles, see G.S. § 160A-303

§ 96.02 DUTY OF OWNER TO REMOVE.

If a motor vehicle is abandoned or junked on a public street or highway, it shall be the duty and responsibility of the owner of the motor vehicle to cause the removal thereof immediately and to pay all costs incident to the removal. It shall be unlawful for any person to allow a motor vehicle owned by him to remain abandoned on a public street or highway after notice has been duly given to the person to have the vehicle removed.

(1978 Code, § 8-3003)

§ 96.03 REMOVAL BY TOWN.

Whenever any motor vehicle is abandoned or junked on a public street or highway, or on property owned or operated by the town, or on private property, any vehicle may be removed by or under the direction of the Town Chief of Police to a storage garage or area; provided, no vehicle shall be removed from private property without the written request or permission of the owner, lessee, or occupant thereof unless the vehicle has been declared by the Building Inspector or the Board to be a health or safety hazard.

(1978 Code, § 8-3004)

§ 96.04 COSTS OF REMOVAL; NOTICE TO OWNER.

- (A) When an abandoned or junked motor vehicle is removed from private property at the request of the owner, lessee or occupant thereof, the person at whose request the vehicle is removed shall be required to pay or otherwise indemnify the town for any expenses incurred by reason of the removal and storage of the vehicle.
- (B) The owner of any vehicle removed hereunder from any public street or highway, or any property owned or operated by the town, or any private property, shall pay to the town all reasonable costs incident to the removal and storage of the vehicle and to locating the owner thereof.
- (C) Written notice of each removal of an abandoned or junked vehicle and of the possible sale or disposition thereof shall be given as promptly as possible to the owner thereof at his last known address according to the latest registration certificate or certificate of title on file with the North Carolina Department of Motor Vehicles.

- (D) Notice need not be given to the registered owner when the vehicle does not display a license plate and the vehicle identification numbers have been removed or defaced so as to be illegible.
(1978 Code, § 8-3005)

§ 96.05 SALE OF ABANDONED MOTOR VEHICLES.

If an abandoned motor vehicle is worth \$100 or more and should the owner thereof refuse to pay the aforementioned costs or should the identity or whereabouts of the owner be unknown and unascertainable after a diligent search, it shall, after being held by the town for 30 days and after 30-days' written notice to the registered owner at his last known address if his identity is known, and to the holders of all liens of record against the vehicle, and to the North Carolina Department of Motor Vehicles, be sold by the Chief of Police or his designee at public auction; provided, however, that any person having an interest in the vehicle may redeem it at any time before the sale by paying all costs accrued to date.
(1978 Code, § 8-3006)

§ 96.06 DISPOSITION OF PROCEEDS OF SALE.

The proceeds of the sale of an abandoned motor vehicle shall be paid to the Town Treasurer who shall pay from the proceeds the costs of removal, storage, investigation, sale, and liens, in that order. The remainder of the proceeds of sale, if any, shall be paid to the registered owner or held by the Town Treasurer for 60 days if the registered owner cannot be located with reasonable diligence. If the owner does not claim the remainder of the proceeds within 60 days after the sale, the funds shall be deposited into the Town General Fund and the owner's rights therein shall be forever extinguished.
(1978 Code, § 8-3007)

§ 96.07 DISPOSITION OF JUNKED MOTOR VEHICLES.

- (A) With the consent of the owner, the Chief of Police or his designee may dispose of any vehicle as a junked motor vehicle without holding it for any prescribed period of time. If an unclaimed abandoned motor vehicle appears to be worth less than \$100, the Chief of Police or his designee may dispose of the vehicle as a junked vehicle.
- (B) Any unclaimed junked motor vehicle as defined by this chapter shall be held for a period of at least 15 days. The owner of any vehicle may claim his vehicle during the 15-day retention period by exhibiting proof of ownership to the Chief of Police and after paying all reasonable costs incident to the removal and storage of the vehicle plus administrative expenses. If after the vehicle is held 15 days it remains unclaimed, the vehicle may be destroyed or sold at private sale as junk. Within 15 days after final disposition of a junked motor vehicle, written notice thereof shall be given to the Department of Motor Vehicles that the vehicle has been determined to be a junked motor vehicle and disposed of as such. The notice shall contain as full and accurate a description of the vehicle as can be reasonably determined.
(1978 Code, § 8-3008)

§ 96.08 DISPOSITION OF UNIDENTIFIED VEHICLES.

Vehicles not displaying a license plate, and whose identification numbers have been removed or defaced so as to be illegible may be destroyed or sold at a private sale, without regard to value, after being held for 48 hours.

(1978 Code, § 8-3009)

§ 96.09 DISPOSITION OF PROCEEDS OF SALE.

The proceeds of the sale of a junked motor vehicle, after all costs of removal, storage, investigation and sale, and satisfaction of any liens of record on the vehicle have been deducted there from shall be held by the Town Treasurer for 30 days and paid to the registered owner upon demand. If the owner does not appear to claim the remainder of the proceeds within 30 days after disposal of the vehicle, the funds shall be deposited into the Town General Fund and the owner's rights therein shall be forever extinguished.

(1978 Code, § 8-3010)

§ 96.10 IMMUNITY.

Neither the town nor any person shall be held to answer in any civil or criminal action to any owner or other person legally entitled to the previous possession of any abandoned, lost or stolen vehicle for disposing of the vehicle as contemplated by this chapter.

(1978 Code, § 8-3011)